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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/667,562

09/22/2003

Francesco R. DiMambro

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EXAMINER

BURROWES, LAWRENCE J

ART UNIT

PAPER NUMBER

2616

MAIL DATE

DELIVERY MODE

07/13/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/667,562

Applicant(s)

DIMAMBRO, FRANCESCO R.

Examiner

LAWRENCE J. BURROWES

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-5 is/are allowed.
- 6) ☒ Claim(s) 6, 7, 13-18, 22 and 27-31 is/are rejected.
- 7) ☐ Claim(s) 8-12, 19-21 and 23-26 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 6, 13-17 and 27-31 rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 6, 13-17, and 27-31 are directed to a signal per se. The specification describes the medium as a carrier wave or transmission medium. As set forth in page 51 of the Interim guidelines, computer-readable medium, in or on a carrier signal is non-statutory.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 7, 18 and 22 are rejected under 35 U.S.C. 102(e) as being anticipated by Boucher at al (6434620) hereafter Boucher.

For claim 7 and 22, Boucher disclose a processor-implementable method of using a single descriptor (see Figure 9B Box 250, packet descriptor) to facilitate the passing of multiple packets to a communication apparatus (see Figure 13 Box 50, the INIC processes packets that are transmitted to one of its four ports) from a device driver (see Figure 13 Box 200), the method comprising: storing multiple packets' headers contiguously within a header buffer (see Figure 9B Box 268, headers from the packets are stored in the header buffer); storing payloads of the multiple packets contiguously within a data buffer (see Figure 9B Box 270, payload data from the packets are stored in the payload buffer); providing said header buffer and said data buffer to a device driver for a communication apparatus (see column 46 lines 8-15, header and data buffers are provided to the INIC); configuring a single descriptor to describe the multiple packets (see column 46 line 15-20, the packet descriptor is configured by the INIC); passing said single descriptor to the communication apparatus (see column 46 lines 15-33, the packet descriptor is provided to the INIC); and at the communication apparatus, using said single descriptor to transmit the multiple packets (see column 46 lines 15-33, the packet descriptor is provided to the INIC in order to transmit the packets).

For claim 18, Boucher disclose an apparatus for transmitting packets, comprising: a reader module configured to read a single descriptor configured to describe multiple packets (see Figure 21, the microprocessor processes and

controls how the packets are handled); a retrieval module configured to retrieve the multiple packets (see Figure 21, XMT & RCV-A module); and a transmitter module configured to transmit the multiple packets (see Figure 21, XMT & RCV-A module).

Allowable Subject Matter

4. Claims 1-5 allowed.

The prior art fails to teach a combination of a method of describing multiple packets to a communication apparatus with a single descriptor, the method comprising: receiving a header buffer comprising a header for each of N packets, wherein $N > 1$; receiving a data buffer comprising a payload for each of said N packets; in a single descriptor configured to be read by the communication apparatus, storing: a base address of said header buffer; a base address of said data buffer; a checksum start offset indicating where to compute a checksum on each of said N packets; a checksum stuff offset indicating where to store the checksum in each of said N packets; and for each of said N packets: a length of the payload for said packet; a sample of the payload for said packet; and a length of the header for said packet.

5. Claims 8-10, 19-21 and 23-26 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. White et al (5475681), White et al (5495482), Fuller et al (6708233), and Avery (6611883).

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to LAWRENCE J. BURROWES whose telephone number is (571) 270-1419. The examiner can normally be reached on Monday - Thursday 5:30am - 2pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edan D. Ordad can be reached on (571) 272-7884. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

LJB



EDAN ORGAD
PRIMARY PATENT EXAMINER

Edan Orgad 7/8/07